UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

MYRNA I. JOHNSON,

Plaintiff,

ν.

FRED MEYER STORES, INC., a Delaware corporation; and JAIME SAN MIGUEL,

Defendants.

Case No. J04-008 CV (JKS)

VIDEOTAPED DEPOSITION OF FRED SAYRE

Pages 1 through 105, Inclusive

Taken: Friday, January 27, 2006

Place: Juneau, Alaska

MJ Exhibit 47 Page 1 of 6

Page 1

	Page 38		Page 40
1	days. I know one day I went in and wrote a pretty	1	Q. Okay. Do you recall having a meeting
2	big tour.	2	with Myrna Johnson on March 18th?
3	Q. Okay. And let me see if I can find it	3	A. Yes.
4	here. Let's just talk about that. You came in	4	Q. Okay. How did that come about?
5	MR. DICKENS: Counsel, Exhibit 11?	5	A. From what I remember is, OVs were going
6	MR. CHOATE: Yes, you're right.	6	back and forth between her and Jaime, and he said,
7	BY MR. CHOATE:	7	"Well, we need to sit down and chat with her." And
8	Q. Is this the tour that you wrote?	8	I said, "Okay. Since it's not getting done, let's
9	A. No.	9	go ahead and sit down and chat with her."
10	Q. Okay. That's not is that your	10	Q. Okay. And would that have been your
11	handwriting?	11	normal practice to, if you have a problem with work
12	A. No.	12	not getting done, that you'd sit down and talk with
13	Q. Okay. Not your handwriting.	13	the manager or assistant manager about it?
14	A. No. My handwriting is not very good.	14	A. Normally the manager and assistant
15	Q. Neither is mine. It seems to get worse	15	manager try to take care of it. If not, then yes,
16	all the time. One second.	16	I'd be involved.
17	MR. DICKENS: Check Exhibit 38.	17	Q. Well you know that Ms strike that.
18	MR. CHOATE: What?	18	So did you call - ask for a
19	MR. DICKENS: Check Exhibit 38.	19	meeting because you saw the OVs going back and
20	BY MR. CHOATE:	20	forth?
21	Q. I'm handing you what has been marked	21	A. No.
22	Exhibit 38. Is that the tour that you did?	22	Q. Okay. Did you ask for the meeting, or
23	A. Yeah, that's my handwriting.	23	did Mr. San Miguel ask for it?
24	Q. Okay. And is that the tour you are	24	A. If I recall right, Jaime asked if I
25	referencing? Is that where you had concerns?	25	could talk with him and Myrna about her
1		1	
	Page 39		Page 41
1	A. Correct.	1	performance.
1 2	<ul><li>A. Correct.</li><li>Q. Okay. What day was that tour done, if</li></ul>	1 2	performance. Q. Okay. Did he tell you at that time
1 '	A. Correct. Q. Okay. What day was that tour done, if you know?		performance. Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding
2 3 4	<ul><li>A. Correct.</li><li>Q. Okay. What day was that tour done, if you know?</li><li>A. It says 3-13-02.</li></ul>	2	performance.  Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance?
2 3 4 5	<ul><li>A. Correct.</li><li>Q. Okay. What day was that tour done, if you know?</li><li>A. It says 3-13-02.</li><li>Q. So on the 13th?</li></ul>	2 3 4 5	performance.  Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance?  A. I believe he just said, "We'd been
2 3 4 5 6	<ul> <li>A. Correct.</li> <li>Q. Okay. What day was that tour done, if you know?</li> <li>A. It says 3-13-02.</li> <li>Q. So on the 13th?</li> <li>A. Yeah.</li> </ul>	2 3 4 5 6	performance. Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance? A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to
2 3 4 5 6 7	<ul> <li>A. Correct.</li> <li>Q. Okay. What day was that tour done, if you know?</li> <li>A. It says 3-13-02.</li> <li>Q. So on the 13th?</li> <li>A. Yeah.</li> <li>Q. And you went through apparel, you had</li> </ul>	2 3 4 5 6 7	performance. Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance? A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her."
2 3 4 5 6 7 8	<ul> <li>A. Correct.</li> <li>Q. Okay. What day was that tour done, if you know?</li> <li>A. It says 3-13-02.</li> <li>Q. So on the 13th?</li> <li>A. Yeah.</li> <li>Q. And you went through apparel, you had concerns regarding the recovery, and did you give</li> </ul>	2 3 4 5 6 7 8	performance. Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance? A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her." Q. Okay. And so that meeting was at
2 3 4 5 6 7 8 9	<ul> <li>A. Correct.</li> <li>Q. Okay. What day was that tour done, if you know?</li> <li>A. It says 3-13-02.</li> <li>Q. So on the 13th?</li> <li>A. Yeah.</li> <li>Q. And you went through apparel, you had concerns regarding the recovery, and did you give this sheet to Mr. San Miguel?</li> </ul>	2 3 4 5 6 7 8 9	performance.  Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance?  A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her."  Q. Okay. And so that meeting was at Mr. San Miguel's request, not it wasn't
2 3 4 5 6 7 8 9	A. Correct. Q. Okay. What day was that tour done, if you know? A. It says 3-13-02. Q. So on the 13th? A. Yeah. Q. And you went through apparel, you had concerns regarding the recovery, and did you give this sheet to Mr. San Miguel? A. Yeah. Talked to him.	2 3 4 5 6 7 8 9	performance. Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance? A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her." Q. Okay. And so that meeting was at Mr. San Miguel's request, not it wasn't initiated by yourself?
2 3 4 5 6 7 8 9 10	A. Correct. Q. Okay. What day was that tour done, if you know? A. It says 3-13-02. Q. So on the 13th? A. Yeah. Q. And you went through apparel, you had concerns regarding the recovery, and did you give this sheet to Mr. San Miguel? A. Yeah. Talked to him. Q. Okay. And what did you say, if you	2 3 4 5 6 7 8 9 10	performance. Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance? A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her." Q. Okay. And so that meeting was at Mr. San Miguel's request, not it wasn't initiated by yourself? A. No.
2 3 4 5 6 7 8 9 10 11	A. Correct. Q. Okay. What day was that tour done, if you know? A. It says 3-13-02. Q. So on the 13th? A. Yeah. Q. And you went through apparel, you had concerns regarding the recovery, and did you give this sheet to Mr. San Miguel? A. Yeah. Talked to him. Q. Okay. And what did you say, if you recall?	2 3 4 5 6 7 8 9 10 11	performance.  Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance?  A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her."  Q. Okay. And so that meeting was at Mr. San Miguel's request, not it wasn't initiated by yourself?  A. No.  Q. Okay.
2 3 4 5 6 7 8 9 10 11 12 13	A. Correct. Q. Okay. What day was that tour done, if you know? A. It says 3-13-02. Q. So on the 13th? A. Yeah. Q. And you went through apparel, you had concerns regarding the recovery, and did you give this sheet to Mr. San Miguel? A. Yeah. Talked to him. Q. Okay. And what did you say, if you recall? A. I don't recall what I said. It	2 3 4 5 6 7 8 9 10 11 12	performance.  Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance?  A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her."  Q. Okay. And so that meeting was at Mr. San Miguel's request, not it wasn't initiated by yourself?  A. No.  Q. Okay.  A. Not that I recall.
2 3 4 5 6 7 8 9 10 11 12 13 14	A. Correct. Q. Okay. What day was that tour done, if you know? A. It says 3-13-02. Q. So on the 13th? A. Yeah. Q. And you went through apparel, you had concerns regarding the recovery, and did you give this sheet to Mr. San Miguel? A. Yeah. Talked to him. Q. Okay. And what did you say, if you recall? A. I don't recall what I said. It probably wasn't good, just things needed fixed.	2 3 4 5 6 7 8 9 10 11 12 13 14	performance. Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance? A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her." Q. Okay. And so that meeting was at Mr. San Miguel's request, not it wasn't initiated by yourself? A. No. Q. Okay. A. Not that I recall. Q. Okay. And prior to that meeting, did
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. Correct. Q. Okay. What day was that tour done, if you know? A. It says 3-13-02. Q. So on the 13th? A. Yeah. Q. And you went through apparel, you had concerns regarding the recovery, and did you give this sheet to Mr. San Miguel? A. Yeah. Talked to him. Q. Okay. And what did you say, if you recall? A. I don't recall what I said. It probably wasn't good, just things needed fixed. Q. Okay. And do you so, you did that	2 3 4 5 6 7 8 9 10 11 12 13 14 15	performance.  Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance?  A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her."  Q. Okay. And so that meeting was at Mr. San Miguel's request, not it wasn't initiated by yourself?  A. No.  Q. Okay.  A. Not that I recall.  Q. Okay. And prior to that meeting, did you meet with did you discuss with
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. Correct. Q. Okay. What day was that tour done, if you know? A. It says 3-13-02. Q. So on the 13th? A. Yeah. Q. And you went through apparel, you had concerns regarding the recovery, and did you give this sheet to Mr. San Miguel? A. Yeah. Talked to him. Q. Okay. And what did you say, if you recall? A. I don't recall what I said. It probably wasn't good, just things needed fixed. Q. Okay. And do you so, you did that tour on the 13th. You had these concerns. Did you	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	performance.  Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance?  A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her."  Q. Okay. And so that meeting was at Mr. San Miguel's request, not it wasn't initiated by yourself?  A. No.  Q. Okay.  A. Not that I recall.  Q. Okay. And prior to that meeting, did you meet with did you discuss with Mr. San Miguel what was the purpose what the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. Correct. Q. Okay. What day was that tour done, if you know? A. It says 3-13-02. Q. So on the 13th? A. Yeah. Q. And you went through apparel, you had concerns regarding the recovery, and did you give this sheet to Mr. San Miguel? A. Yeah. Talked to him. Q. Okay. And what did you say, if you recall? A. I don't recall what I said. It probably wasn't good, just things needed fixed. Q. Okay. And do you so, you did that tour on the 13th. You had these concerns. Did you have any other concerns that week regarding	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	performance.  Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance?  A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her."  Q. Okay. And so that meeting was at Mr. San Miguel's request, not it wasn't initiated by yourself?  A. No.  Q. Okay.  A. Not that I recall.  Q. Okay. And prior to that meeting, did you meet with did you discuss with Mr. San Miguel what was the purpose what the purpose of the meeting was for?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Correct. Q. Okay. What day was that tour done, if you know? A. It says 3-13-02. Q. So on the 13th? A. Yeah. Q. And you went through apparel, you had concerns regarding the recovery, and did you give this sheet to Mr. San Miguel? A. Yeah. Talked to him. Q. Okay. And what did you say, if you recall? A. I don't recall what I said. It probably wasn't good, just things needed fixed. Q. Okay. And do you so, you did that tour on the 13th. You had these concerns. Did you have any other concerns that week regarding recoveries?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	performance.  Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance?  A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her."  Q. Okay. And so that meeting was at Mr. San Miguel's request, not it wasn't initiated by yourself?  A. No.  Q. Okay.  A. Not that I recall.  Q. Okay. And prior to that meeting, did you meet with did you discuss with Mr. San Miguel what was the purpose what the purpose of the meeting was for?  A. I believe we discussed it right before
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. Correct. Q. Okay. What day was that tour done, if you know? A. It says 3-13-02. Q. So on the 13th? A. Yeah. Q. And you went through apparel, you had concerns regarding the recovery, and did you give this sheet to Mr. San Miguel? A. Yeah. Talked to him. Q. Okay. And what did you say, if you recall? A. I don't recall what I said. It probably wasn't good, just things needed fixed. Q. Okay. And do you so, you did that tour on the 13th. You had these concerns. Did you have any other concerns that week regarding recoveries? A. I might have.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	performance.  Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance?  A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her."  Q. Okay. And so that meeting was at Mr. San Miguel's request, not it wasn't initiated by yourself?  A. No.  Q. Okay.  A. Not that I recall.  Q. Okay. And prior to that meeting, did you meet with did you discuss with Mr. San Miguel what was the purpose what the purpose of the meeting was for?  A. I believe we discussed it right before the meeting, that we wanted to talk he wanted to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. Correct. Q. Okay. What day was that tour done, if you know? A. It says 3-13-02. Q. So on the 13th? A. Yeah. Q. And you went through apparel, you had concerns regarding the recovery, and did you give this sheet to Mr. San Miguel? A. Yeah. Talked to him. Q. Okay. And what did you say, if you recall? A. I don't recall what I said. It probably wasn't good, just things needed fixed. Q. Okay. And do you so, you did that tour on the 13th. You had these concerns. Did you have any other concerns that week regarding recoveries? A. I might have. Q. Do you recall?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	performance.  Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance?  A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her."  Q. Okay. And so that meeting was at Mr. San Miguel's request, not it wasn't initiated by yourself?  A. No.  Q. Okay.  A. Not that I recall.  Q. Okay. And prior to that meeting, did you meet with did you discuss with Mr. San Miguel what was the purpose what the purpose of the meeting was for?  A. I believe we discussed it right before the meeting, that we wanted to talk he wanted to talk with Myrna and find out what was going on and
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Correct. Q. Okay. What day was that tour done, if you know? A. It says 3-13-02. Q. So on the 13th? A. Yeah. Q. And you went through apparel, you had concerns regarding the recovery, and did you give this sheet to Mr. San Miguel? A. Yeah. Talked to him. Q. Okay. And what did you say, if you recall? A. I don't recall what I said. It probably wasn't good, just things needed fixed. Q. Okay. And do you so, you did that tour on the 13th. You had these concerns. Did you have any other concerns that week regarding recoveries? A. I might have. Q. Do you recall? A. Not that I recall.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	performance.  Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance?  A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her."  Q. Okay. And so that meeting was at Mr. San Miguel's request, not it wasn't initiated by yourself?  A. No.  Q. Okay.  A. Not that I recall.  Q. Okay. And prior to that meeting, did you meet with did you discuss with Mr. San Miguel what was the purpose what the purpose of the meeting was for?  A. I believe we discussed it right before the meeting, that we wanted to talk he wanted to talk with Myrna and find out what was going on and find out why her recoveries were not getting done.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Correct. Q. Okay. What day was that tour done, if you know? A. It says 3-13-02. Q. So on the 13th? A. Yeah. Q. And you went through apparel, you had concerns regarding the recovery, and did you give this sheet to Mr. San Miguel? A. Yeah. Talked to him. Q. Okay. And what did you say, if you recall? A. I don't recall what I said. It probably wasn't good, just things needed fixed. Q. Okay. And do you so, you did that tour on the 13th. You had these concerns. Did you have any other concerns that week regarding recoveries? A. I might have. Q. Do you recall? A. Not that I recall. Q. Okay. Subsequently, did you and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	performance.  Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance?  A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her."  Q. Okay. And so that meeting was at Mr. San Miguel's request, not it wasn't initiated by yourself?  A. No.  Q. Okay.  A. Not that I recall.  Q. Okay. And prior to that meeting, did you meet with did you discuss with Mr. San Miguel what was the purpose what the purpose of the meeting was for?  A. I believe we discussed it right before the meeting, that we wanted to talk he wanted to talk with Myrna and find out what was going on and find out why her recoveries were not getting done.  Q. Okay. When you when he said that,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A. Correct. Q. Okay. What day was that tour done, if you know? A. It says 3-13-02. Q. So on the 13th? A. Yeah. Q. And you went through apparel, you had concerns regarding the recovery, and did you give this sheet to Mr. San Miguel? A. Yeah. Talked to him. Q. Okay. And what did you say, if you recall? A. I don't recall what I said. It probably wasn't good, just things needed fixed. Q. Okay. And do you so, you did that tour on the 13th. You had these concerns. Did you have any other concerns that week regarding recoveries? A. I might have. Q. Do you recall? A. Not that I recall. Q. Okay. Subsequently, did you and Mr. San Miguel, at some point in time that week,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	performance.  Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance?  A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her."  Q. Okay. And so that meeting was at Mr. San Miguel's request, not it wasn't initiated by yourself?  A. No.  Q. Okay.  A. Not that I recall.  Q. Okay. And prior to that meeting, did you meet with did you discuss with Mr. San Miguel what was the purpose what the purpose of the meeting was for?  A. I believe we discussed it right before the meeting, that we wanted to talk he wanted to talk with Myrna and find out what was going on and find out why her recoveries were not getting done.  Q. Okay. When you when he said that, did you look at what her schedule had been for the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Correct. Q. Okay. What day was that tour done, if you know? A. It says 3-13-02. Q. So on the 13th? A. Yeah. Q. And you went through apparel, you had concerns regarding the recovery, and did you give this sheet to Mr. San Miguel? A. Yeah. Talked to him. Q. Okay. And what did you say, if you recall? A. I don't recall what I said. It probably wasn't good, just things needed fixed. Q. Okay. And do you so, you did that tour on the 13th. You had these concerns. Did you have any other concerns that week regarding recoveries? A. I might have. Q. Do you recall? A. Not that I recall. Q. Okay. Subsequently, did you and	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	performance.  Q. Okay. Did he tell you at that time that he had given her a verbal warning regarding her performance?  A. I believe he just said, "We'd been talking about this, and these are the OVs I sent to her."  Q. Okay. And so that meeting was at Mr. San Miguel's request, not it wasn't initiated by yourself?  A. No.  Q. Okay.  A. Not that I recall.  Q. Okay. And prior to that meeting, did you meet with did you discuss with Mr. San Miguel what was the purpose what the purpose of the meeting was for?  A. I believe we discussed it right before the meeting, that we wanted to talk he wanted to talk with Myrna and find out what was going on and find out why her recoveries were not getting done.  Q. Okay. When you when he said that,

	Page 42		Page 44
1	Q. Were you aware when you right before	1	Q. A verbal written warning. That
2	you had your meeting with Myrna Johnson on	2	sounds only lawyers could think of something
3	March 18, that she'd worked the six prior days, you	3	like that. What does that mean?
4	know, roughly 11, 12 hours a day?	4	A. It means that it's a warning that
5	A. I didn't know how long she worked, no.	5	"Look, this is what could happen if things don't
6	Q. Okay. Now, when this meeting was	6	change around. "
7	occurred, it occurred up in your office?	7	Q. Okay.
8	A. It was in my office.	8	A. "We are verbally talking to you about
9	Q. Okay. And were you aware, before that	9	it now. Do you acknowledge that?"
10	meeting began, that Mr. San Miguel had prepared a	10	Q. Okay.
11	written let me make sure I use the right	11	A. And generally most people say, "Well,
12	language here.	12	okay," and turn around.
13	MR. DICKENS: It is Exhibit 18.	13	Q. Okay. And a verbal written warning, is
14	MR. CHOATE: 18?	14	that memorialized by a document like this?
15	MR. DICKENS: Yes.	15	A. Generally.
16	BY MR. CHOATE:	16	Q. Okay. And what is the next step?
17	Q. An employee written Employee Warning	17	A. Then a written Employee Warning Notice.
18	Notice that he was intending to give to	18	Q. Okay. And how does is this document
19	Ms. Johnson?	19	in front of you, Exhibit 18, is that a verbal
20	A. This is yeah.	20	written warning or is that a written warning?
21	Q. Okay. When did you first learn that he	21	A. This would be a verbal written warning,
22	was going that he had prepared that notice?	22	if if it was ever given out. I mean
23	A. The day of the meeting.	23	Q. Okay. If it was given out, it would
24	Q. How soon before the meeting?	24	have been and how would you tell the difference
25	A. I don't know the time before the	25	between a verbal written warning and a
	Page 43		Page 45
1	meeting. Before he brought her in.	1	A. You normally write a "verbal" up on
2	Q. Okay. Was it a common practice at Fred	2	here. (indicating).
3	Meyer to give written notices like that to	3	Q. So if it had been a verbal written
	management employees?	4	warning, the word "verbal" would be written at the
5	A. The written actually, you want to	5	top?
_	counsel this is more of a counseling document.	_	
7	A written notice would be this would be a	6	write something on there after you talk to the
8	written notice would be this would be a written notice, if they ever sign it, yeah.	8	employee about it and discuss it.
9	Q. Okay. So if the expectation if the	9	Q. Okay. And on a verbal written warning,
10	person is expected to sign it, then it would be	10	you are saying that the word "verbal" would
11	considered a written notice?	11	normally be written above "Employee Warning
12	A. Correct. You have counseling, and then	12	Notice"?
13	a written, verbal written notice. Yeah.	13	A. Normally that's what I do, yeah.
14	Q. Okay. Let me maybe we'll step off	14	Q. Okay.
15	the track here and talk about that procedure.	15	A. Or yeah.
16	A. Okay.	16	Q. Okay. Now, if you see here, on the
17	Q. What are the steps in discipline at	17	first paragraph, it says "Prior verbal warning,"
18	Fred Meyer?	18	and there is a check mark, "Yes"?
19	A. Generally, you have counseling.	19	A. Uh-huh.
20	Q. Okay. And what is counseling?	20	Q. Did you check that off, or did
21	A. Counseling is the manager, whoever,	21	Mr. San Miguel check that off?
22	chatting with the person.	22	A. I didn't check that off.
23	Q. Okay.	23	Q. Okay. Do you know what prior verbal
24	A. Then you normally have a verbal written	24	warning was which it Ma Johnson age 3 of 6
25	warning.	25	A. I believe it would be the OVs and the
,	······································		11. 10011010101010100100100100100100

Page 4 of 6

Page 40

1 Q. Okay. Do you recall having a meeting

2 with Myrna Johnson on March 18th?

3 A. Yes.

4 Q. Okay. How did that come about?

5 A. From what I remember is, OVs were going

6 back and forth between her and Jaime, and he said,

7 "Well, we need to sit down and chat with her." And

8 I said, "Okay. Since it's not getting done, let's

9 go ahead and sit down and chat with her."

10 Q. Okay. And would that have been your

11 normal practice to, if you have a problem with work

12 not getting done, that you'd sit down and talk with

13 the manager or assistant manager about it?

14 A. Normally the manager and assistant

15 manager try to take care of it. If not, then yes,

16 I'd be involved.

17 Q. Well you know that Ms. -- strike that.

18 So did you call -- ask for a

19 meeting because you saw the OVs going back and

20 forth?

21 A. No.

Q. Okay. Did you ask for the meeting, or

23 did Mr. San Miguel ask for it?

24 A. If I recall right, Jaime asked if I

MJ Exhibit 47

25 could talk with him and Myrna about her

Page 4 of 6

Page 44

1 Q. A verbal written warning. That

2 sounds -- only lawyers could think of something

3 like that. What does that mean?

4 A. It means that it's a warning that --

5 "Look, this is what could happen if things don't

6 change around. "

7 Q. Okay.

8 A. "We are verbally talking to you about

9 it now. Do you acknowledge that?"

10 Q. Okay.

11 A. And generally most people say, "Well,

12 okay, " and turn around.

Q. Okay. And a verbal written warning is

14 that memorialized by a document like this?

15 A. Generally.

Q. Okay. And what is the next step?

17 A. Then a written Employee Warning Notice.

18 Q. Okay. And how does -- is this document

19 in front of you, Exhibit 18, is that a verbal

20 written warning or is that a written warning?

21 A. This would be a verbal written warning,

22 if -- if it was ever given out. I mean --

Q. Okay. If it was given out, it would

24 have been -- and how would you tell the difference MJ Exhibit 47

25 between a verbal written warning and a --

Page 5 of 6

Page 45

Page 6 of 6

- 1 A. You normally write a "verbal" up on
- 2 here. (indicating).
- 3 Q. So if it had been a verbal written
- 4 warning, the word "verbal" would be written at the
- 5 top?
- 6 A. You normally write "verbal," or you
- 7 write something on there after you talk to the
- 8 employee about it and discuss it.
- 9 Q. Okay. And on a verbal written warning,
- 10 you are saying that the word "verbal" would
- 11 normally be written above "Employee Warning
- 12 Notice"?
- 13 A. Normally that's what I do, yeah.
- 14 Q. Okay.
- 15 A. Or -- yeah.
- 16 Q. Okay. Now, if you see here, on the
- 17 first paragraph, it says "Prior verbal warning,"
- 18 and there is a check mark, "Yes"?
- 19 A. Uh-huh.
- Q. Did you check that off, or did
- 21 Mr. San Miguel check that off?
- 22 A. I didn't check that off.
- Q. Okay. Do you know what prior verbal
- 24 warning was given to Ms. Johnson?
- MJ Exhibit 47 25 A. I believe it would be the OVs and the